

court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**12120. Misbranding and alleged adulteration of canned salmon. U. S. v. 250 Cases of Columbia River Pink Salmon. Default decree ordering product destroyed.** (F. & D. No. 17192. I. S. No. 8758-v. S. No. C-3871.)

On or about January 25, 1923, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 250 cases of Columbia River pink salmon, at Memphis, Tenn., alleging that the article had been shipped by J. G. Megler & Co., from Brookfield, Wash., on or about September 26, 1922, and transported from the State of Washington into the State of Tennessee, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Case) "Columbia River Pink Salmon Woody Island Brand Brookfield Packing Co. Brookfield, Wash."

Adulteration of the article was alleged in the libel for the reason that salmon or fish other than Columbia River pink salmon, to wit, Chinook salmon, had been substituted in whole or in part for pink salmon. Adulteration was alleged for the further reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged for the reason that the statement on the labels, "Columbia River Pink Salmon," was false and misleading and calculated to deceive and mislead the purchaser, in that the article was composed in whole or in part of decomposed Chinook salmon, which rendered it unfit for food.

On July 28, 1923, no claimant having appeared for the property, judgment of the court was entered finding the product to be misbranded and subject to seizure, and it was ordered by the court that the said product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**12121. Misbranding of sweet mixed pickles. U. S. v. 44 Cases of Sweet Mixed Pickles. Decree entered ordering release of product.** (F. & D. No. 17040. I. S. Nos. 7969-v, 7970-v. S. No. W-1258.)

On December 16, 1922, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 44 cases, each containing 4 dozen cans of sweet mixed pickles, at Phoenix, Ariz., alleging that the article had been shipped by the California Conserving Co., Hayward, Calif., in part on or about June 9 and in part on or about September 30, 1922, and transported from the State of California into the State of Arizona, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) "The California Home Brand Sweet Mixed Pickles \* \* \* Packed By California Conserving Co. San Francisco, U. S. A. \* \* \* Total Contents 13 Oz. Drained Contents 9 Oz."

Misbranding of the article was alleged in the libel for the reason that the statements, "Total Contents 13 Oz. Drained Contents 9 Oz.," appearing in the labeling, were false and misleading and deceived and misled the purchaser, in that the total contents was not 13 ounces nor was the drained contents 9 ounces. Misbranding was alleged for the further reason that the article was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 21, 1923, Haas, Baruch & Co., Phoenix, Ariz., having appeared as claimant for the property, judgment of the court was entered ordering that the product be released to the said claimant upon showing that the costs of the proceedings had been paid and the said product relabeled.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**12122. Misbranding of butter. U. S. v. 140 Pounds of Butter. Default decree of condemnation, forfeiture, and sale.** (F. & D. No. 17718. I. S. Nos. 6933-v, 6934-v. S. No. C-4093.)

On or about September 13, 1923, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the